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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,967	08/26/2003	Lawrence G. Rodriguez	5801-03/B & D0003.US	2849
7590 Ronald K. Aust Taylor & Aust, P.C. 12029 E. Washington Street Indianapolis, IN 46229			EXAMINER BOSWELL, CHRISTOPHER J	
			ART UNIT 3676	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/647,967	Applicant(s) RODRIGUEZ ET AL.	
	Examiner Christopher Boswell	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,335,950 to Mirshafiee et al., in view of U.S. Patent Number 4,108,482 to Dietrich et al.

Mirshafiee et al. disclose the invention substantially as claimed. Mirshafiee et al. disclose a lockset having a lock mechanism (112) including an actuator (134) having an aperture (136), an operator (24), and a turn button (140) mounted in the operator, the turn button having a head portion (140), and a shaft (142), and means for self-alignment (the end of the shaft is rounded to assist in alignment with the aperture) of the shaft with the aperture of the lock mechanism as the shaft is inserted into the aperture, as in claims 1, 4, and 7. However, Mirshafiee et al. do not disclose the shaft having a leading helical end. Dietrich et al. teaches shaft (37), for a locking assembly, which engages an aperture (42) of a lock mechanism (20), wherein the shaft has a helical leading end (75; wherein a conical shape is of a helical form), wherein the leading helical portion having a plurality of leading helical surfaces (each surface transitions from the flat surface of the shaft to the conical end) that taper and twist from a transition line of the shaft toward an end of the shaft (figure 5), as in claims 2, 5, and 9, as well

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as the plurality of helical surfaces smoothly transition between adjacent helical surfaces (figure 5), as in claims 3, 6, and 10, wherein once the leading helical end portion engages the aperture, a rotation of the turn-button effects a corresponding rotation of the rotatable actuator of the lock mechanism (column 3, lines 44-66), as in claim 8, and a number of the plurality of leading helical surfaces is greater than two (the examiner considers the helical surfaces to be 4, one helical surface on each side of the turn-button, and one helical surface connecting the aforementioned helical surfaces at the top and bottom of the aforementioned helical surfaces), as in claims 14, 16 and 19-20, in the same field of endeavor for the purpose of ease in the insertion of the shaft into an aperture. It would have been obvious to one with ordinary skill in the art at the time the invention was made to utilize a conical leading end, as taught by Dietrich et al., on to the shaft of Mirshafiee et al. in order to ease in the insertion of the shaft into an aperture.

Mirshafiee et al. further disclose the operator is a door knob (24), the shaft of the turn-button extends from the head portion through the door knob to engage the aperture of the lock mechanism (figure 4), as in claims 11 and 17, and where a rotation of the turn-button effects a corresponding rotation of the aperture of the lock mechanism (column 3, lines 43-61), as in claims 12 and 13, as well as the aperture of the lock mechanism has a substantially rectangular shape (column 3, line 45-48), as in claims 13, 15 and 18.

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Response to Arguments

Applicant's arguments, filed March 14, 2007, with respect to the rejection(s) of claim(s) 1-19 under 35 USC 102(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly cited reference.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to locking assemblies with helical actuation elements:

U.S. Patent Number 6,745,602 to Nakasone et al., U.S. Patent Number 6,598,440 to Armstrong, U.S. Patent Number 4,384,465 to Muus, U.S. Patent Number 934,702 to Thomas, U.S. Patent Number 616,751 to Vedder et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher Boswell
Examiner
Art Unit 3676

CJB 
May 29, 2007